

ACTION WITHOUT MEETING BY

THE MEMBER/MANAGERS OF

EMERSON JOSEPH, LLC

WE, the undersigned being all of the Member/Managers of EMERSON JOSEPH LLC ("the Company") hereby act without meeting as follows:

RESOLVED that the appropriate member or members are hereby authorized to file a petition pursuant to Title 11, Chapter 11 in the United States Bankruptcy Court on behalf of the Company.

DATED this the 4<sup>th</sup> day of November, 2009.

*James Donnelly member/manager*  
Member/Manager

*Sherry Hinton member/manager*  
Member/Manager

*J. M. Donnelly member/manager*  
Member/Manager

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Emerson Joseph, LLC  
221 South Tryon Street, St. 100  
Charlotte, NC 28202

Richard M. Mitchell  
Mitchell & Culp PLLC  
1001 Morehead Square Drive, Ste  
Charlotte, NC 28203

City County Tax Coll.  
Collection Division  
P.O. Box 31637  
Charlotte, NC 28281

I.R.S.  
P.O. Box 21126  
Philadelphia, PA 19114

NC Dept. of Revenue  
Bankruptcy Unit  
P.O. Box 1168  
Raleigh, NC 27602-1168

US Attorney's Office  
227 W. Trade St.  
17th Floor  
Charlotte, NC 28202

US Bankruptcy Adm.  
402 W. Trade Street  
Room 200  
Charlotte, NC 28202-1669

American Express Credit Card  
P.O. Box 650448  
Dallas, TX 75265-0448

Ballantyne Village  
14825 Ballantyne Village Way  
St. 240-17  
Charlotte, NC 28277

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Bank of America Credit Card  
P.O. Box 15710  
Wilmington, DE 19886-5710

Cain & Crane Court Reporters  
P.O. Box 23833  
Charlotte, NC 28227

Capital One Credit Card  
P.O. Box 71083  
Charlotte, NC 28272-1083

CBS Radio  
P.O. Box 905664  
Charlotte, NC 28290-5664

City Search  
CMI Credit Mediators, Inc.  
P.O. Box 456  
Upper Darby, PA 19082-0456

CMEAC It Solutions  
1960 Cross Beam Dr.  
Suite 500  
Charlotte, NC 28217

Columbia Beauty Supply  
P.O. Box 579  
Matthews, NC 28106-0579

CPI Security  
4200 Sandy Porter Rd.  
Charlotte, NC 28273

Crystal Springs  
P.O. Box 660579  
Dallas, TX 75266-0579

Deltacom  
P.O. Box 2252  
Birmingham, AL 35246-1058

Great America Leasing  
P.O. Box 660831  
Dallas, TX 75266-0831

Heard Ratzlaff  
114 Fairwood Avenue  
Charlotte, NC 28203

Horack, Talley Law Officd  
2600 One Wachovia Center  
Charlotte, NC 28202-6038

Intercede Mediator/ADR Service  
212 S. Tryon Street  
Suite 1560  
Charlotte, NC 28281

Jea Jung  
2595 Westpost Rd., St. C  
Las Vegas, NV 89119

Jim Donnelly  
c/o Emerson Joseph  
221 S. Tryon St., Ste. 100  
Charlotte, NC 28202

Mark Finn Services  
1728 Sugar Creek West  
Charlotte, NC 28262

Mecklenburg County Tax Coll.  
P.O. Box 71063  
Charlotte, NC 28272-1063

Muzak  
3318 Lakemont Blvd.  
Ft. Mill, SC 29708

Nexsen Pruet  
P.O. Drawer 2426  
Columbia, SC 29202

Nova Office Strategies  
129 W. Trade St.  
Suite 1420  
Charlotte, NC 28202-5314

P & G Professional Care  
The Wells Corporation  
6109 De Soto Avenue  
Woodland Hills, CA 91367

RBC Centura Credit Card  
P.O. Box 1070  
Charlotte, NC 28201-1070

RBC Centura Line of Credit  
P.O. Box 1220  
Rocky Mountain, NC 27802

Reward Zone Credit Card  
P.O. Box 5222  
Carol Stream, IL 60197-5222

Simon Properties  
225 W. Washington St.  
Indianapolis, IN 46204-3438

Simplex Grinnell  
50 Technology Dr.  
Westminster, MA 01441

Squeegee Pros  
9247 Sherbourne Lane  
Sherrolls Ford, NC 28673

Steve Smith  
Morgan Stanley  
6805 Morrison Blvd. #400  
Charlotte, NC 28211

TBG Development  
221 S. Tryon St.  
Suite 100  
Charlotte, NC 28202

Unifirst  
P.O. Box 584  
Newell, NC 28126

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

In re: Emerson Joseph, LLC  
Debtor

Case No. \_\_\_\_\_  
Chapter 11

## VERIFICATION OF CREDITOR MATRIX

The above named debtor(s), or debtor's attorney if applicable, do hereby certify under penalty of perjury that the attached Master Mailing List of creditors, consisting of **5** sheet(s) is complete, correct and consistent with the debtor's schedules pursuant to Local Bankruptcy Rules and I/we assume all responsibility for errors and omissions.

Dated: 2/10/2010

Signed: s/ James Michael Donnelly  
James Michael Donnelly

Signed: \_\_\_\_\_  
**Richard M. Mitchell**  
Attorney for Debtor(s)  
Bar no.: **3034**  
**Mitchell & Culp PLLC**  
**1001 Morehead Square Drive, Ste. 330**  
**Charlotte, NC 28203**  
Telephone No.: **(704) 333-0630**  
Fax No.: **(704) 333-4975**  
E-mail address:

**United States Bankruptcy Court**  
**Western District of North Carolina**  
**Charlotte Division**

**Voluntary Petition**

Name of Debtor (if individual, enter Last, First, Middle): <b>Emerson Joseph, LLC</b>				Name of Joint Debtor (Spouse) (Last, First, Middle):				
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names):				All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names):				
Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN(if more than one, state all): <b>20-2765665</b>				Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN(if more than one, state all):				
Street Address of Debtor (No. & Street, City, and State): <b>221 South Tryon Street, St. 100 Charlotte, NC</b>				Street Address of Joint Debtor (No. & Street, City, and State):				
ZIP CODE <b>28202</b>				ZIP CODE				
County of Residence or of the Principal Place of Business: <b>Mecklenburg</b>				County of Residence or of the Principal Place of Business:				
Mailing Address of Debtor (if different from street address): <b>221 South Tryon Street, St. 100 Charlotte, NC</b>				Mailing Address of Joint Debtor (if different from street address):				
ZIP CODE <b>28202</b>				ZIP CODE				
Location of Principal Assets of Business Debtor (if different from street address above): <b>221 South Tryon St., St. 100, Charlotte, NC</b>				ZIP CODE <b>28202</b>				
<b>Type of Debtor</b> (Form of Organization) (Check <b>one</b> box.)  <input type="checkbox"/> Individual (includes Joint Debtors) <i>See Exhibit D on page 2 of this form.</i> <input checked="" type="checkbox"/> Corporation (includes LLC and LLP) <input type="checkbox"/> Partnership <input type="checkbox"/> Other (If debtor is not one of the above entities, check this box and state type of entity below.) _____		<b>Nature of Business</b> (Check <b>one</b> box)  <input type="checkbox"/> Health Care Business <input type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101(51B) <input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Clearing Bank <input checked="" type="checkbox"/> Other _____ <b>Tax-Exempt Entity</b> (Check box, if applicable)  <input type="checkbox"/> Debtor is a tax-exempt organization under Title 26 of the United States Code (the Internal Revenue Code.)		<b>Chapter of Bankruptcy Code Under Which the Petition is Filed</b> (Check <b>one</b> box)  <input type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 9 <input checked="" type="checkbox"/> Chapter 11 <input type="checkbox"/> Chapter 12 <input type="checkbox"/> Chapter 13 <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Main Proceeding <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding  <b>Nature of Debts</b> (Check one box)  <input type="checkbox"/> Debts are primarily consumer debts, defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose." <input checked="" type="checkbox"/> Debts are primarily business debts.				
<b>Filing Fee</b> (Check one box)  <input checked="" type="checkbox"/> Full Filing Fee attached  <input type="checkbox"/> Filing Fee to be paid in installments (applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b) See Official Form 3A.  <input type="checkbox"/> Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.				<b>Chapter 11 Debtors</b>  <b>Check one box:</b> <input type="checkbox"/> Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). <input checked="" type="checkbox"/> Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D).  <b>Check if:</b> <input checked="" type="checkbox"/> Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,190,000. ----- <b>Check all applicable boxes</b> <input type="checkbox"/> A plan is being filed with this petition <input type="checkbox"/> Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).				
<b>Statistical/Administrative Information</b> <input type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors. <input checked="" type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.								<b>THIS SPACE IS FOR COURT USE ONLY</b>
<b>Estimated Number of Creditors</b> <input checked="" type="checkbox"/> 1-49 <input type="checkbox"/> 50-99 <input type="checkbox"/> 100-199 <input type="checkbox"/> 200-999 <input type="checkbox"/> 1,000-5,000 <input type="checkbox"/> 5,001-10,000 <input type="checkbox"/> 10,001-25,000 <input type="checkbox"/> 25,001-50,000 <input type="checkbox"/> 50,001-100,000 <input type="checkbox"/> Over 100,000								
<b>Estimated Assets</b> <input type="checkbox"/> \$0 to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input checked="" type="checkbox"/> \$100,001 to \$500,000 <input type="checkbox"/> \$500,001 to \$1 million <input type="checkbox"/> \$1,000,001 to \$10 million <input type="checkbox"/> \$10,000,001 to \$50 million <input type="checkbox"/> \$50,000,001 to \$100 million <input type="checkbox"/> \$100,000,001 to \$500 million <input type="checkbox"/> \$500,000,001 to \$1 billion <input type="checkbox"/> More than \$1 billion								
<b>Estimated Liabilities</b> <input type="checkbox"/> \$0 to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input type="checkbox"/> \$100,001 to \$500,000 <input type="checkbox"/> \$500,001 to \$1 million <input checked="" type="checkbox"/> \$1,000,001 to \$10 million <input type="checkbox"/> \$10,000,001 to \$50 million <input type="checkbox"/> \$50,000,001 to \$100 million <input type="checkbox"/> \$100,000,001 to \$500 million <input type="checkbox"/> \$500,000,001 to \$1 billion <input type="checkbox"/> More than \$1 billion								



<b>Voluntary Petition</b> (This page must be completed and filed in every case)		<b>Document</b> Name of Debtor(s): <b>Emerson Joseph, LLC</b>	
<b>All Prior Bankruptcy Cases Filed Within Last 8 Years</b> (If more than two, attach additional sheet.)			
Location Where Filed: <b>NONE</b>		Case Number:	Date Filed:
Location Where Filed:		Case Number:	Date Filed:
<b>Pending Bankruptcy Case Filed by any Spouse, Partner or Affiliate of this Debtor</b> (If more than one, attach additional sheet)			
Name of Debtor: <b>NONE</b>		Case Number:	Date Filed:
District:		Relationship:	Judge:
<b>Exhibit A</b> (To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11.)  <input type="checkbox"/> Exhibit A is attached and made a part of this petition.		<b>Exhibit B</b> (To be completed if debtor is an individual whose debts are primarily consumer debts) I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter. I further certify that I have delivered to the debtor the notice required by 11 U.S.C. § 342(b).  <b>X Not Applicable</b> Signature of Attorney for Debtor(s) _____ Date _____	
<b>Exhibit C</b> Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety? <input type="checkbox"/> Yes, and Exhibit C is attached and made a part of this petition. <input checked="" type="checkbox"/> No			
<b>Exhibit D</b> (To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.)  <input type="checkbox"/> Exhibit D completed and signed by the debtor is attached and made a part of this petition. If this is a joint petition:  <input type="checkbox"/> Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition.			
<b>Information Regarding the Debtor - Venue</b> (Check any applicable box)  <input checked="" type="checkbox"/> Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.  <input type="checkbox"/> There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.  <input type="checkbox"/> Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District.			
<b>Certification by a Debtor Who Resides as a Tenant of Residential Property</b> (Check all applicable boxes.)  <input type="checkbox"/> Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following).  _____ (Name of landlord that obtained judgment)  _____ (Address of landlord)  <input type="checkbox"/> Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and  <input type="checkbox"/> Debtor has included in this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition.  <input type="checkbox"/> Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(l)).			

Voluntary Petition (This page must be completed and filed in every case)		Document Page 10 of 25 Name of Debtor(s): <b>Emerson Joseph, LLC</b>	
<b>Signatures</b>			
<b>Signature(s) of Debtor(s) (Individual/Joint)</b> I declare under penalty of perjury that the information provided in this petition is true and correct. [If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7. [If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. § 342(b).  I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.  <b>X Not Applicable</b> Signature of Debtor  <b>X Not Applicable</b> Signature of Joint Debtor  Telephone Number (If not represented by attorney)  Date		<b>Signature of a Foreign Representative</b> I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.  (Check only <b>one</b> box.)  <input type="checkbox"/> I request relief in accordance with chapter 15 of Title 11, United States Code. Certified Copies of the documents required by § 1515 of title 11 are attached.  <input type="checkbox"/> Pursuant to 11 U.S.C. § 1511, I request relief in accordance with the Chapter of title 11 specified in the petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.  <b>X Not Applicable</b> (Signature of Foreign Representative)   (Printed Name of Foreign Representative)   Date	
<b>Signature of Attorney</b> <b>X</b> Signature of Attorney for Debtor(s)  <b>Richard M. Mitchell Bar No. 3034</b> Printed Name of Attorney for Debtor(s) / Bar No.  <b>Mitchell &amp; Culp PLLC</b> Firm Name  <b>1001 Morehead Square Drive, Ste. 330 Charlotte, NC 28203</b> Address   <b>(704) 333-0630</b> <b>(704) 333-4975</b> Telephone Number  <b>2/10/2010</b> Date  *In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.		<b>Signature of Non-Attorney Petition Preparer</b>  I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached.  <b>Not Applicable</b> Printed Name and title, if any, of Bankruptcy Petition Preparer   Social-Security number (If the bankruptcy petition preparer is not an individual, state the Social-Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)   Address   <b>X Not Applicable</b>  Date  Signature of bankruptcy petition preparer or officer, principal, responsible person, or partner whose Social-Security number is provided above.  Names and Social-Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual.  If more than one person prepared this document, attach to the appropriate official form for each person.  <i>A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.</i>	
<b>Signature of Debtor (Corporation/Partnership)</b> I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.  The debtor requests the relief in accordance with the chapter of title 11, United States Code, specified in this petition.  <b>X s/ James Michael Donnelly</b> Signature of Authorized Individual  <b>James Michael Donnelly</b> Printed Name of Authorized Individual  <b>Member Manager</b> Title of Authorized Individual  <b>2/10/2010</b> Date			

**United States Bankruptcy Court  
Western District of North Carolina  
Charlotte Division**

In re Emerson Joseph, LLC, Case No. \_\_\_\_\_  
Debtor Chapter 11

## LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

(1) <i>Name of creditor and complete mailing address including zip code</i>	(2) <i>Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted</i>	(3) <i>Nature of claim (trade debt, bank loan, government contract, etc.)</i>	(4) <i>Indicate if claim is contingent, unliquidated, disputed or subject to setoff</i>	(5) <i>Amount of claim [if secured also state value of security]</i>
Simon Properties 225 W. Washington St. Indianapolis, IN 46204-3438	Account Receivable  Simon Properties 225 W. Washington St. Indianapolis, IN 46204-3438	Lease		\$1,410,454.40
Heard Ratzlaff 114 Fairwood Avenue Charlotte, NC 28203	Account Receivable  Heard Ratzlaff 114 Fairwood Avenue Charlotte, NC 28203	Trade		\$224,303.61
Ballantyne Village 14825 Ballantyne Village Way St. 240-17 Charlotte, NC 28277	Bob Bruner 704-369-5000 Ballantyne Village 14825 Ballantyne Village Way St. 240-17 Charlotte, NC 28277	Lease		\$76,738.44
Horack, Talley Law Officd 2600 One Wachovia Center Charlotte, NC 28202-6038	Account Receivable 704-377-2500 Horack, Talley Law Officd 2600 One Wachovia Center Charlotte, NC 28202-6038	Professional Fees		\$58,919.86
Steve Smith Morgan Stanley 6805 Morrison Blvd. #400 Charlotte, NC 28211		Loan		\$45,063.06
Jea Jung 2595 Westpost Rd., St. C Las Vegas, NV 89119		Loan		\$31,488.00

In re Emerson Joseph, LLC, Case No. \_\_\_\_\_  
Debtor Chapter 11

## LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

(1) <i>Name of creditor and complete mailing address including zip code</i>	(2) <i>Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted</i>	(3) <i>Nature of claim (trade debt, bank loan, gov- ernment contract, etc.)</i>	(4) <i>Indicate if claim is contingent, unliquidated, disputed or subject to setoff</i>	(5) <i>Amount of claim [if secured also state value of security]</i>
Bank of America Credit Card P.O. Box 15710 Wilmington, DE 19886-5710	Account Receivable 800-673-1044 Bank of America Credit Card P.O. Box 15710 Wilmington, DE 19886-5710	Credit Card		\$19,542.09
American Express Credit Card P.O. Box 650448 Dallas, TX 75265-0448	Account Receivable 800-521-6121 American Express Credit Card P.O. Box 650448 Dallas, TX 75265-0448	Credit Card		\$16,903.70
Capital One Credit Card P.O. Box 71083 Charlotte, NC 28272-1083	Account Receivable 800-955-7070 Capital One Credit Card P.O. Box 71083 Charlotte, NC 28272-1083	Credit Card		\$14,000.00
RBC Centura Credit Card P.O. Box 1070 Charlotte, NC 28201-1070	Account Receivable 888-257-6837 RBC Centura Credit Card P.O. Box 1070 Charlotte, NC 28201-1070	Credit Card		\$13,848.38
Mecklenburg County Tax Coll. P.O. Box 71063 Charlotte, NC 28272-1063	Receivables 877-533-0072 Mecklenburg County Tax Coll. P.O. Box 71063 Charlotte, NC 28272-1063	Taxes		\$11,687.95
Columbia Beauty Supply P.O. Box 579 Matthews, NC 28106-0579	Account Receivable 704-845-2888 Columbia Beauty Supply P.O. Box 579 Matthews, NC 28106-0579	Trade		\$7,195.24

B4 (Official Form 4) (12/07)4 -Cont.

In re Emerson Joseph, LLC, Case No. \_\_\_\_\_  
Debtor Chapter 11

## LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

(1) <i>Name of creditor and complete mailing address including zip code</i>	(2) <i>Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted</i>	(3) <i>Nature of claim (trade debt, bank loan, government contract, etc.)</i>	(4) <i>Indicate if claim is contingent, unliquidated, disputed or subject to setoff</i>	(5) <i>Amount of claim [if secured also state value of security]</i>
CBS Radio P.O. Box 905664 Charlotte, NC 28290-5664	Account Receivable 704-522-1103 CBS Radio P.O. Box 905664 Charlotte, NC 28290-5664	Trade		\$4,980.54
Reward Zone Credit Card P.O. Box 5222 Carol Stream, IL 60197-5222	Account Receivable 800-419-4959 Reward Zone Credit Card P.O. Box 5222 Carol Stream, IL 60197-5222	Trade		\$4,729.54
P & G Professional Care The Wells Corporation 6109 De Soto Avenue Woodland Hills, CA 91367	Account Receivable  P & G Professional Care The Wells Corporation 6109 De Soto Avenue Woodland Hills, CA 91367	Trade		\$4,437.50
Unifirst P.O. Box 584 Newell, NC 28126	Account Receivable 704-597-1970 Unifirst P.O. Box 584 Newell, NC 28126	Trade		\$1,882.79
Cain & Crane Court Reporters P.O. Box 23833 Charlotte, NC 28227	Account Receivable 704-545-3510 Cain & Crane Court Reporters P.O. Box 23833 Charlotte, NC 28227	Professional Services		\$1,912.00
Intercede Mediator/ADR Service 212 S. Tryon Street Suite 1560 Charlotte, NC 28281	Account Receivable 704-377-4000 Intercede Mediator/ADR Service 212 S. Tryon Street Suite 1560 Charlotte, NC 28281	Professional Services		\$1,154.09

In re Emerson Joseph, LLC, Case No. \_\_\_\_\_  
Debtor Chapter 11

## LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

(1) <i>Name of creditor and complete mailing address including zip code</i>	(2) <i>Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted</i>	(3) <i>Nature of claim (trade debt, bank loan, gov- ernment contract, etc.)</i>	(4) <i>Indicate if claim is contingent, unliquidated, disputed or subject to setoff</i>	(5) <i>Amount of claim [if secured also state value of security]</i>
City Search CMI Credit Mediators, Inc. P.O. Box 456 Upper Darby, PA 19082-0456	Account Receivable 610-352-5151 City Search CMI Credit Mediators, Inc. P.O. Box 456 Upper Darby, PA 19082-0456	Trade		\$1,024.61
CPI Security 4200 Sandy Porter Rd. Charlotte, NC 28273				\$1,019.55

### DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF A CORPORATION OR PARTNERSHIP

I, James Michael Donnelly, Member Manager of the Corporation named as the debtor in this case, declare under penalty of perjury that I have read the foregoing list and that it is true and correct to the best of my information and belief.

Date: 2/10/2010

Signature: s/ James Michael Donnelly

James Michael Donnelly ,Member Manager

(Print Name and Title)

Penalty for making a false statement or concealing property. Fine of up to \$500,000 or imprisonment for up to 5 years or both. 18 U.S.C §§ 152 and 3571.

B6F (Official Form 6F) (12/07)

In re Emerson Joseph, LLC  
Debtor

Case No. \_\_\_\_\_  
(If known)

## SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

☐ Check this box if debtor has no creditors holding unsecured claims to report on this Schedule F.

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	CODEBTOR HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
ACCOUNT NO.						16,903.70
American Express Credit Card P.O. Box 650448 Dallas, TX 75265-0448						
ACCOUNT NO.						76,738.44
Ballantyne Village 14825 Ballantyne Village Way St. 240-17 Charlotte, NC 28277						
ACCOUNT NO.						19,542.09
Bank of America Credit Card P.O. Box 15710 Wilmington, DE 19886-5710						
ACCOUNT NO.						1,912.00
Cain & Crane Court Reporters P.O. Box 23833 Charlotte, NC 28227						
ACCOUNT NO.						14,000.00
Capital One Credit Card P.O. Box 71083 Charlotte, NC 28272-1083						

6 Continuation sheets attached

Subtotal > \$ 129,096.23

Total > \$

(Use only on last page of the completed Schedule F.)  
(Report also on Summary of Schedules and, if applicable on the Statistical  
Summary of Certain Liabilities and Related Data.)

B6F (Official Form 6F) (12/07) - Cont.

In re **Emerson Joseph, LLC**  
Debtor

Case No. \_\_\_\_\_  
(If known)

## SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

(Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	CODEBATOR HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
ACCOUNT NO.						<b>4,980.54</b>
<b>CBS Radio</b> <b>P.O. Box 905664</b> <b>Charlotte, NC 28290-5664</b>						
ACCOUNT NO.						<b>1,024.61</b>
<b>City Search</b> <b>CMI Credit Mediators, Inc.</b> <b>P.O. Box 456</b> <b>Upper Darby, PA 19082-0456</b>						
ACCOUNT NO.						<b>650.00</b>
<b>CMEAC It Solutions</b> <b>1960 Cross Beam Dr.</b> <b>Suite 500</b> <b>Charlotte, NC 28217</b>						
ACCOUNT NO.						<b>7,195.24</b>
<b>Columbia Beauty Supply</b> <b>P.O. Box 579</b> <b>Matthews, NC 28106-0579</b>						
ACCOUNT NO.						<b>1,019.55</b>
<b>CPI Security</b> <b>4200 Sandy Porter Rd.</b> <b>Charlotte, NC 28273</b>						

Sheet no. 1 of 6 continuation sheets attached to Schedule of Creditors  
Holding Unsecured  
Nonpriority Claims

Subtotal >	\$	<b>14,869.94</b>
Total >	\$	

(Use only on last page of the completed Schedule F.)  
(Report also on Summary of Schedules and, if applicable on the Statistical  
Summary of Certain Liabilities and Related Data.)



B6F (Official Form 6F) (12/07) - Cont.

In re **Emerson Joseph, LLC**  
Debtor

Case No. \_\_\_\_\_  
(If known)

## SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

(Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	CODEBTR	HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
ACCOUNT NO.  <b>Crystal Springs</b> <b>P.O. Box 660579</b> <b>Dallas, TX 75266-0579</b>							<b>209.74</b>
ACCOUNT NO.  <b>Deltacom</b> <b>P.O. Box 2252</b> <b>Birmingham, AL 35246-1058</b>							<b>898.82</b>
ACCOUNT NO.  <b>Great America Leasing</b> <b>P.O. Box 660831</b> <b>Dallas, TX 75266-0831</b>							<b>251.40</b>
ACCOUNT NO.  <b>Heard Ratzlaff</b> <b>114 Fairwood Avenue</b> <b>Charlotte, NC 28203</b>							<b>224,303.61</b>
ACCOUNT NO.  <b>Horack, Talley Law Officd</b> <b>2600 One Wachovia Center</b> <b>Charlotte, NC 28202-6038</b>							<b>58,919.86</b>

Sheet no. 2 of 6 continuation sheets attached to Schedule of Creditors  
Holding Unsecured  
Nonpriority Claims

Subtotal >	\$ <b>284,583.43</b>
Total >	\$

(Use only on last page of the completed Schedule F.)  
(Report also on Summary of Schedules and, if applicable on the Statistical  
Summary of Certain Liabilities and Related Data.)

B6F (Official Form 6F) (12/07) - Cont.

In re Emerson Joseph, LLC  
Debtor

Case No. \_\_\_\_\_  
(If known)

## SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

(Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	CODEBATOR HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
ACCOUNT NO.						1,154.09
Intercede Mediator/ADR Service 212 S. Tryon Street Suite 1560 Charlotte, NC 28281						
ACCOUNT NO.						31,488.00
Jea Jung 2595 Westpost Rd., St. C Las Vegas, NV 89119						
ACCOUNT NO.						287,900.00
Jim Donnelly c/o Emerson Joseph 221 S. Tryon St., Ste. 100 Charlotte, NC 28202						
ACCOUNT NO.						574.36
Mark Finn Services 1728 Sugar Creek West Charlotte, NC 28262						
ACCOUNT NO.						11,687.95
Mecklenburg County Tax Coll. P.O. Box 71063 Charlotte, NC 28272-1063						

Sheet no. 3 of 6 continuation sheets attached to Schedule of Creditors  
Holding Unsecured  
Nonpriority Claims

Subtotal >	\$	332,804.40
Total >	\$	

(Use only on last page of the completed Schedule F.)  
(Report also on Summary of Schedules and, if applicable on the Statistical  
Summary of Certain Liabilities and Related Data.)

B6F (Official Form 6F) (12/07) - Cont.

In re **Emerson Joseph, LLC**  
Debtor

Case No. \_\_\_\_\_  
(If known)

## SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

(Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	CODEBATOR HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
ACCOUNT NO.						<b>194.84</b>
<b>Muzak</b> <b>3318 Lakemont Blvd.</b> <b>Ft. Mill, SC 29708</b>						
ACCOUNT NO.						<b>759.00</b>
<b>Nexsen Pruet</b> <b>P.O. Drawer 2426</b> <b>Columbia, SC 29202</b>						
ACCOUNT NO.						<b>678.25</b>
<b>Nova Office Strategies</b> <b>129 W. Trade St.</b> <b>Suite 1420</b> <b>Charlotte, NC 28202-5314</b>						
ACCOUNT NO.						<b>4,437.50</b>
<b>P &amp; G Professional Care</b> <b>The Wells Corporation</b> <b>6109 De Soto Avenue</b> <b>Woodland Hills, CA 91367</b>						
ACCOUNT NO.						<b>13,848.38</b>
<b>RBC Centura Credit Card</b> <b>P.O. Box 1070</b> <b>Charlotte, NC 28201-1070</b>						

Sheet no. 4 of 6 continuation sheets attached to Schedule of Creditors  
Holding Unsecured  
Nonpriority Claims

Subtotal >	\$	<b>19,917.97</b>
Total >	\$	

(Use only on last page of the completed Schedule F.)  
(Report also on Summary of Schedules and, if applicable on the Statistical  
Summary of Certain Liabilities and Related Data.)

B6F (Official Form 6F) (12/07) - Cont.

In re Emerson Joseph, LLC  
Debtor

Case No. \_\_\_\_\_  
(If known)

## SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

(Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	CODEBTR HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
ACCOUNT NO.						<b>SECURED</b>
<b>RBC Centura Line of Credit</b> <b>P.O. Box 1220</b> <b>Rocky Mountain, NC 27802</b>		<b>75,000</b>				
ACCOUNT NO.						<b>4,729.54</b>
<b>Reward Zone Credit Card</b> <b>P.O. Box 5222</b> <b>Carol Stream, IL 60197-5222</b>						
ACCOUNT NO.						<b>1,410,454.40</b>
<b>Simon Properties</b> <b>225 W. Washington St.</b> <b>Indianapolis, IN 46204-3438</b>						
ACCOUNT NO.						<b>180.64</b>
<b>Simplex Grinnell</b> <b>50 Technology Dr.</b> <b>Westminster, MA 01441</b>						
ACCOUNT NO.						<b>120.00</b>
<b>Squeegee Pros</b> <b>9247 Sherbourne Lane</b> <b>Sherrolls Ford, NC 28673</b>						

Sheet no. 5 of 6 continuation sheets attached to Schedule of Creditors  
Holding Unsecured  
Nonpriority Claims

Subtotal >	\$ <b>1,415,484.58</b>
Total >	\$

(Use only on last page of the completed Schedule F.)  
(Report also on Summary of Schedules and, if applicable on the Statistical  
Summary of Certain Liabilities and Related Data.)

B6F (Official Form 6F) (12/07) - Cont.

In re **Emerson Joseph, LLC**  
Debtor

Case No. \_\_\_\_\_  
(If known)

## SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

(Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	CODEBATOR HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
ACCOUNT NO.						<b>45,063.06</b>
<b>Steve Smith Morgan Stanley 6805 Morrison Blvd. #400 Charlotte, NC 28211</b>						
ACCOUNT NO.						<b>338,807.93</b>
<b>TBG Development 221 S. Tryon St. Suite 100 Charlotte, NC 28202</b>						
ACCOUNT NO.						<b>1,882.79</b>
<b>Unifirst P.O. Box 584 Newell, NC 28126</b>						

Sheet no. 6 of 6 continuation sheets attached to Schedule of Creditors  
Holding Unsecured  
Nonpriority Claims

Subtotal >	\$	<b>385,753.78</b>
Total >	\$	<b>2,582,510.33</b>

(Use only on last page of the completed Schedule F.)  
(Report also on Summary of Schedules and, if applicable on the Statistical  
Summary of Certain Liabilities and Related Data.)

B6 Summary (Official Form 6 - Summary) (12/07)

**United States Bankruptcy Court  
Western District of North Carolina  
Charlotte Division**

In re **Emerson Joseph, LLC**,  
Debtor

Case No. \_\_\_\_\_

Chapter **11**

## SUMMARY OF SCHEDULES

Indicate as to each schedule whether that schedule is attached and state the number of pages in each. Report the totals from Schedules A, B, D, E, F, I, and J in the boxes provided. Add the amounts from Schedules A and B to determine the total amount of the debtor's assets. Add the amounts of all claims from Schedules D, E, and F to determine the total amount of the debtor's liabilities. Individual debtors also must complete the "Statistical Summary of Certain Liabilities and Related Data" if they file a case under chapter 7, 11, or 13.

NAME OF SCHEDULE	ATTACHED (YES/NO)	NO. OF SHEETS	ASSETS	LIABILITIES	OTHER
A - Real Property	NO	0	\$ 0.00		
B - Personal Property	NO	0	\$ 0.00		
C - Property Claimed as Exempt	NO	0			
D - Creditors Holding Secured Claims	NO	0		\$ 0.00	
E - Creditors Holding Unsecured Priority Claims (Total of Claims on Schedule E)	NO	0		\$ 0.00	
F - Creditors Holding Unsecured Nonpriority Claims	YES	7		\$ 2,582,510.33	
G - Executory Contracts and Unexpired Leases	NO	0			
H - Codebtors	NO	0			
I - Current Income of Individual Debtor(s)	NO	0			\$
J - Current Expenditures of Individual Debtor(s)	NO	0			\$
<b>TOTAL</b>		<b>7</b>	<b>\$ 0.00</b>	<b>\$ 2,582,510.33</b>	

**United States Bankruptcy Court  
Western District of North Carolina  
Charlotte Division**

In re **Emerson Joseph, LLC**

Debtor

Case No. \_\_\_\_\_

Chapter **11**

**STATISTICAL SUMMARY OF CERTAIN LIABILITIES AND RELATED DATA (28 U.S.C. § 159)**

If you are an individual debtor whose debts are primarily consumer debts, as defined in § 101(8) of the Bankruptcy Code (11 U.S.C. § 101(8)), filing a case under chapter 7, 11 or 13, you must report all information requested below.

☐ Check this box if you are an individual debtor whose debts are NOT primarily consumer debts. You are not required to report any information here.

**This information is for statistical purposes only under 28 U.S.C. § 159.**

**Summarize the following types of liabilities, as reported in the Schedules, and total them.**

Type of Liability	Amount
Domestic Support Obligations (from Schedule E)	\$ 0.00
Taxes and Certain Other Debts Owed to Governmental Units (from Schedule E)	\$ 0.00
Claims for Death or Personal Injury While Debtor Was Intoxicated (from Schedule E) (whether disputed or undisputed)	\$ 0.00
Student Loan Obligations (from Schedule F)	\$ 0.00
Domestic Support, Separation Agreement, and Divorce Decree Obligations Not Reported on Schedule E.	\$ 0.00
Obligations to Pension or Profit-Sharing, and Other Similar Obligations (from Schedule F)	\$ 0.00
TOTAL	\$ 0.00

**State the following:**

Average Income (from Schedule I, Line 16)	\$ 0.00
Average Expenses (from Schedule J, Line 18)	\$ 0.00
Current Monthly Income (from Form 22A Line 12; <b>OR</b> , Form 22B Line 11; <b>OR</b> , Form 22C Line 20 )	\$ 0.00

**United States Bankruptcy Court  
Western District of North Carolina  
Charlotte Division**

In re **Emerson Joseph, LLC**  
Debtor

Case No. \_\_\_\_\_  
Chapter **11**

**State the following:**

1. Total from Schedule D, "UNSECURED PORTION, IF ANY" column		\$ <b>0.00</b>
2. Total from Schedule E, "AMOUNT ENTITLED TO PRIORITY" column.	\$ <b>0.00</b>	
3. Total from Schedule E, "AMOUNT NOT ENTITLED TO PRIORITY, IF ANY" column		\$ <b>0.00</b>
4. Total from Schedule F		\$ <b>2,582,510.33</b>
5. Total of non-priority unsecured debt (sum of 1, 3, and 4)		\$ <b>2,582,510.33</b>



B6 Declaration (Official Form 6 - Declaration) (12/07)

In re Emerson Joseph, LLC  
Debtor

Case No. \_\_\_\_\_  
(If known)

## DECLARATION CONCERNING DEBTOR'S SCHEDULES

### DECLARATION UNDER PENALTY OF PERJURY BY INDIVIDUAL DEBTOR

(NOT APPLICABLE)

### DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF CORPORATION OR PARTNERSHIP

I **James Michael Donnelly**, the Member Manager of the Corporation named as debtor in this case, declare under penalty of perjury that I have read the foregoing summary and schedules, consisting of 8 sheets (*Total shown on summary page plus 1*), and that they are true and correct to the best of my knowledge, information, and belief.

Date 2/10/2010

Signature: s/ James Michael Donnelly  
James Michael Donnelly Member Manager  
[Print or type name of individual signing on behalf of debtor.]

*[An individual signing on behalf of a partnership or corporation must indicate position or relationship to debtor.]*